



David B. Cohen
Mayor

CITY OF NEWTON, MASSACHUSETTS

Department of Planning and Development
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Public Hearing Date:	March 10, 2009
Land Use Action Date:	May 19, 2009
Board of Aldermen Action Date:	June 1, 2009
90-Day Expiration Date:	June 8, 2009

DATE: March 6, 2009

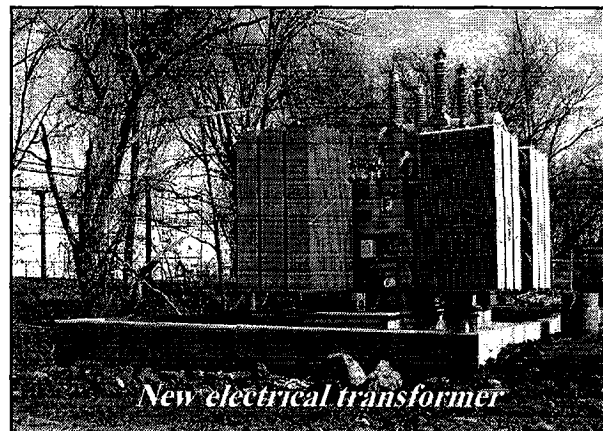
TO: Board of Aldermen

FROM: Michael Kruse, Director of Planning and Development
Candace Havens, Chief Planner 
Alexandra Ananth, Senior Planner

SUBJECT: NSTAR ELECTRIC CO. petition to alter the grade in excess of three feet on a portion of the lot in order to construct a retaining wall at 48 ELLIOT STREET, Ward 5, NEWTON UPPER FALLS, on land known as Sec 51, Blk 29, Lot 38 containing approx 158,000 sf of land in a district zoned MANUFACTURING.

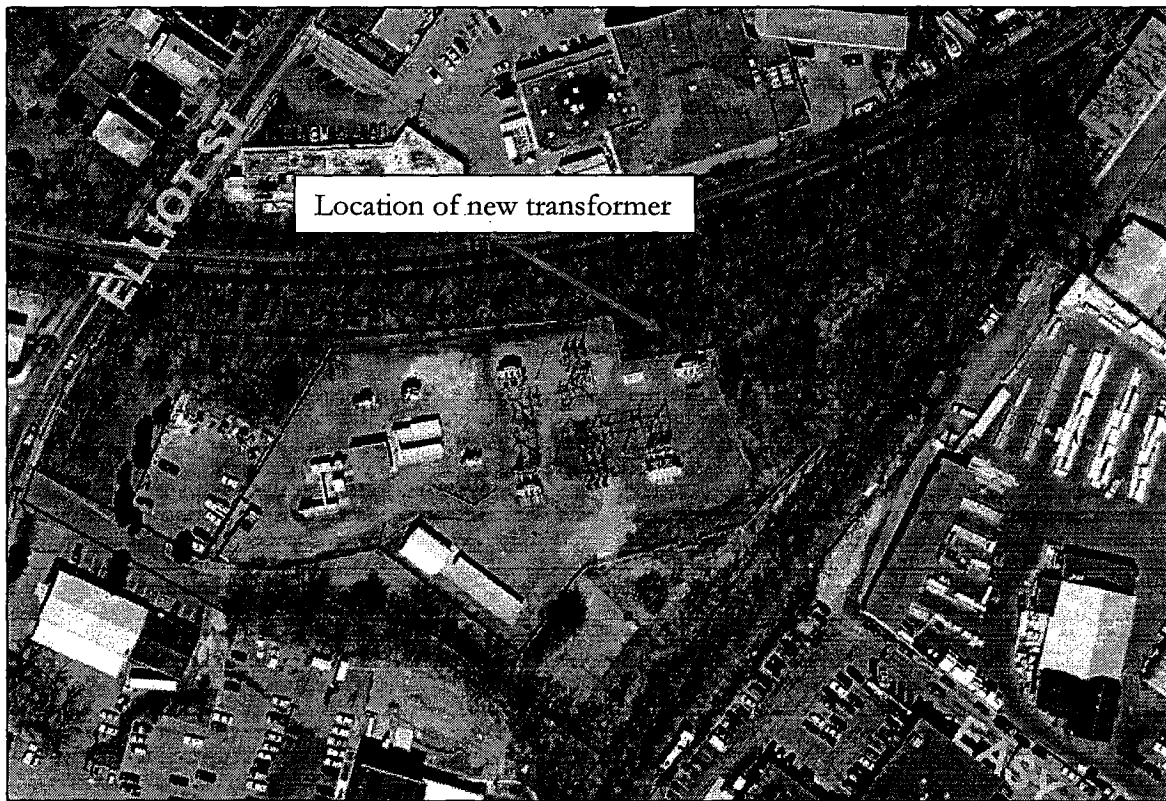
CC: Mayor David B. Cohen

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will want to consider in its discussion at a subsequent Working Session.



EXECUTIVE SUMMARY

The petitioner seeks to alter the grade on a portion of the lot in order to improve access around a new electrical transformer at 48 Elliot Street, an NSTAR Electric Company site. The transformer is located towards the middle of the northern property line shared with the MBTA Green Line. The slope drops off steeply behind the new transformer, so a retaining wall and fill are needed to allow access on the north side of the unit. Although the petitioner is able to access the transformer without the proposed grade change, current plans propose better access to the pad, which is under construction. The new transformer will enhance the capacity of the facility's existing electrical load, which currently employs a mobile transformer to meet demands. Upon activation of the new transformer (projected for summer 2009), the mobile unit will be relocated to another NSTAR facility. This proposal furthers the goals of the 2007 *Newton Comprehensive Plan* by ensuring Newton has sufficient electrical capacity to serve its demand thereby ensuring Newton's continued vitality. Proposed changes to the grade do not appear to impact abutters in any way.



I. SIGNIFICANT ISSUES FOR CONSIDERATION

When considering this request, the Board should consider whether the proposed change in grade would have any adverse affects on the neighborhood.

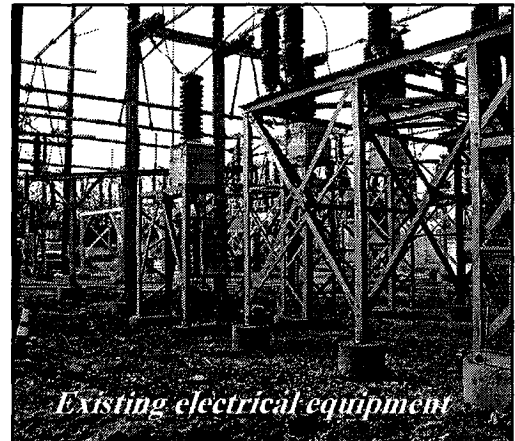
II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The property is located off Elliot Street south of Route 9 and immediately adjacent to the MBTA Green Line. The parcel is zoned for manufacturing use, but is surrounded by a mix of zoning districts. The MBTA Green Line tracks and a commercial area zoned Business 2 are immediately north of the subject property. South of the site are the City's Elliot Street Public Works Yard and Public Building Department facilities. Across Elliot Street is a large residential neighborhood zoned Multi-Residence 2 consisting of a mix of single- and two-family residences. East of the site is the Needham Street Mixed Use 1 District, specifically National Lumber and NewTV, which are located on Easy Street (*SEE ATTACHMENTS "A" AND "B"*).

B. Site

The 158,000 sq. ft. site (~3.6 acres) currently contains electrical transformers, associated equipment, and various accessory buildings that serve much of Newton's electrical demand. The site is located off Elliot Street and shares an access drive with the City's Public Building Department facilities. Nearly the entire site is graveled and improved with electrical equipment. Although the majority of the site is fairly level, the slope drops off steeply behind the new transformer. Portions of the site are not yet developed and are wooded with a mix of deciduous and evergreen trees. The site is surrounded by a chain link fence; a second chain link fence surrounds all electrical equipment for added safety.



III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

No changes in use are proposed. The existing utility use is an appropriate use for the Manufacturing District and will remain.

B. Site Design

Although the site is accessed from Elliot Street, a long driveway and existing trees obscure the facility from view. An eight-foot chain link fence surrounds the site and an additional chain link fence surrounds all electrical equipment. The new transformer is located towards the middle of the northern property line that separates the subject property from MBTA-owned land. The foundation for the transformer has been poured and NSTAR is hoping to have the new one operational for the summer of 2009. Although there is sufficient access to the new pad, because the site slopes down

towards this property line the petitioner would like to install a retaining wall and fill in order to make access easier for maintenance and emergency vehicles. ***The retaining wall is projected to have a maximum height of approximately 18 feet.*** Proposed fill will consist of soil and crushed stone, which makes up most of the surface area of the site. The length of the retaining wall is approximately 200 feet. The proposed access area between the pad and the wall is approximately 13 feet.

The proposal should have minimal impact on the surroundings and would be visible only from the MBTA Green Line tracks. Because the fill will be pervious, no special drainage remediation is required.



*View of the new transformer
from the MBTA Green Line*

C. Tree Removal, Grade Change, Lighting and Signage

The petitioner is not proposing additional plantings at the site. The Director of Urban Forestry made a site visit on February 26, 2009 and determined that the petitioner was far enough away from surrounding trees that it did not need to file for a tree removal permit. The Planning Department notes that the entrance to the site from Elliot Street (which faces a residential neighborhood) is sparsely planted and could benefit from some additional landscaping.

The Associate City Engineer has reviewed plans for the proposed grade change and retaining wall and indicated that it is properly designed for adequate drainage.

No lighting or signage is proposed as part of the project.

IV. COMPREHENSIVE PLAN

The 2007 *Newton Comprehensive Plan* does not address utility companies in any way but it can be supposed that increasing capacity to better serve Newton's electrical load is in line with the Plan's goals to preserve existing infrastructure and will enhance the City's overall vitality.

V. TECHNICAL REVIEW

- A. Technical Considerations (Section 30-15). The Zoning Review Memorandum, dated October 1, 2008 (*SEE ATTACHMENT "C"*), provides an analysis of the proposal. A special permit is required to alter existing contours by more than three feet and for site plan approval.
- B. Engineering Department Review. The Associate City Engineer has reviewed plans

for the proposed grade change and retaining wall, which includes a crushed stone surface that will allow the area to drain through weep holes and dissipate on the site in away, which will not affect wetlands or have other adverse impacts. He also indicated that because the site is greater than one acre, federal regulations require a Stormwater Pollution Prevention Plan and a Phase II General Construction Permit (NPDES) be filed with DEP and EPA. Routine measures for siltation control shall also be in place during construction.

- C. Fire Department Review. The Fire Department has visited the site, reviewed the plans and concluded that site access is adequate.

VI. ZONING RELIEFS SOUGHT

Based on the completed Zoning Review Memorandum, the petitioner is seeking approval through or relief from:

- Section 30-5(b)(4), to alter existing contours by more than three feet as shown on plan; and
- Section 30-23, for site plan approval.

VII. Summary of Petitioner's Responsibilities

This petition is currently complete.

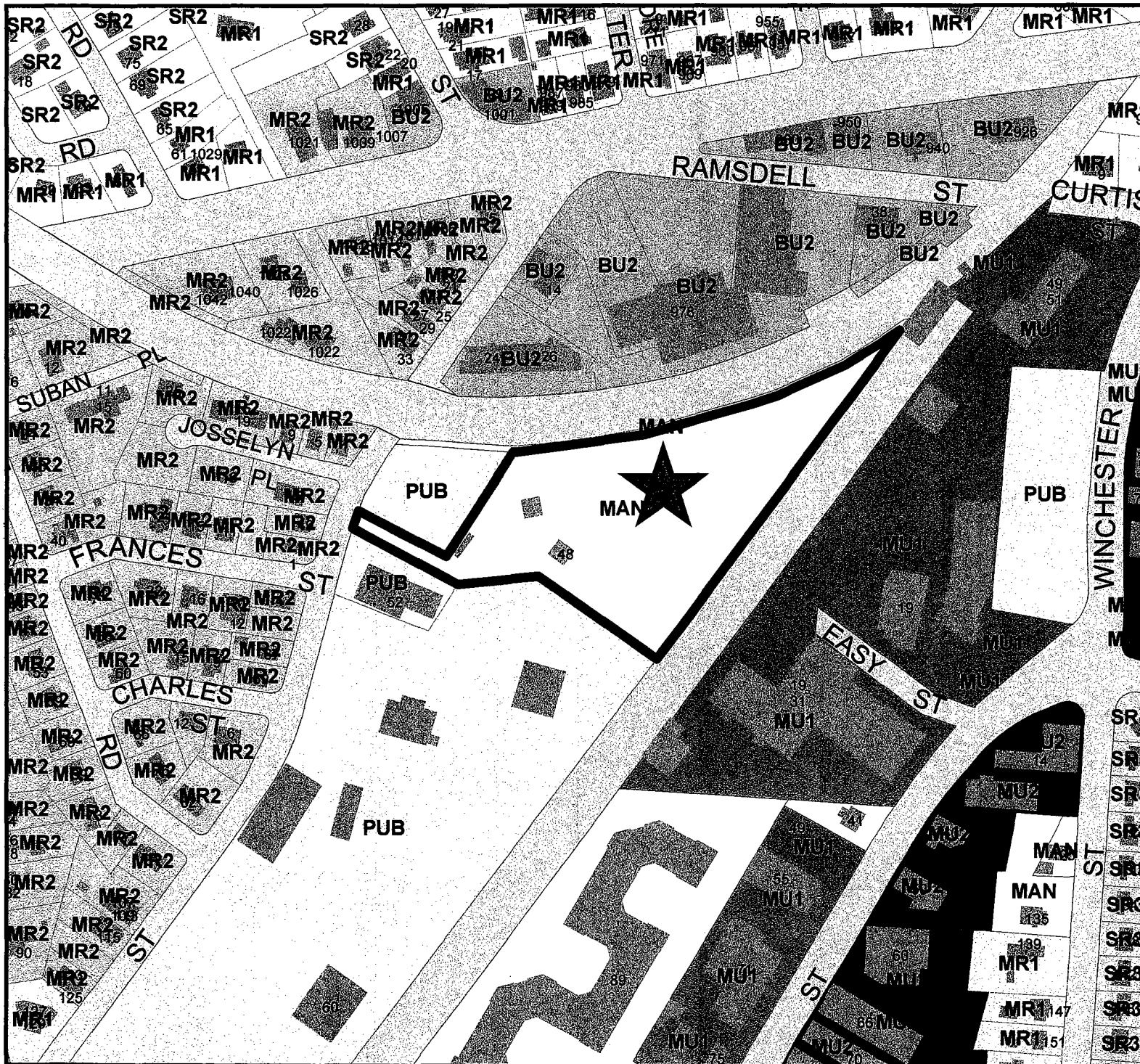
ATTACHMENTS

ATTACHMENT A: Zoning Map

ATTACHMENT B: Land Use Map

ATTACHMENT C: Zoning Review Memorandum, dated December 16, 2008

ATTACHMENT D: Engineering Review Memorandum, dated March 5, 2009



Zoning Map

48 Elliot Street
NSTAR Electric Co.

- Legend**
- House Numbers
 - Building Footprints
 - Single Res. 1
 - Single Res. 2
 - Single Res. 3
 - Business 1
 - Business 2
 - Multi-Res. 1
 - Multi-Res. 2
 - Multi-Res. 3
 - Multi-Res. 4
 - Mixed Use 1
 - Mixed Use 2
 - OS/Rec.
 - Public Use
 - Property Boundaries
 - Extra Map Lines
 - Street Rights-of-Way
 - Newton City Boundary

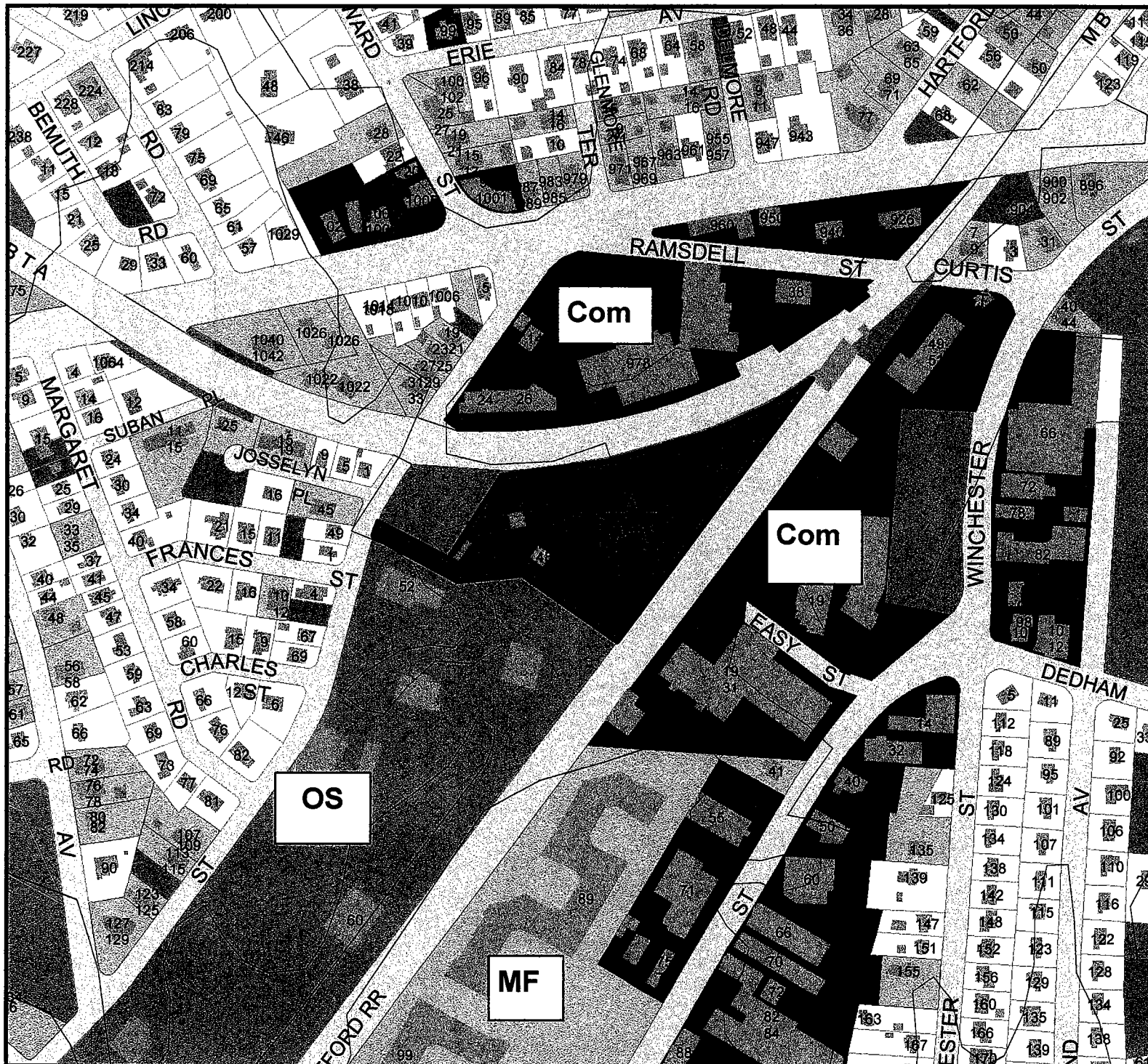


The information on this map is provided by the Geographic Information System. Newton cannot guarantee the accuracy of the information. Each user of this map for determining its suitability for a particular purpose. City departments approve applications based on the information on this map.

0 50 100 200 Feet

MAP DATE: February 2000

ATTACHMENT A



Land Use Map

48 Elliot Street
NSTAR Electric Co.

- Legend**
- Contours-10 Foot Interval
 - Wetlands
 - House Numbers
 - Building Footprints
 - Single Family Residential
 - Multifamily Residential
 - Commercial
 - Industrial
 - Mixed Use
 - Vacant Land
 - Golf Course
 - Open Space
 - Private Educational
 - Nonprofit Organizations
 - Public Housing
 - Tax Exempt
 - Property Boundaries
 - Extra Map Lines
 - Street Rights-of Way
 - Newton City Boundary



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0 50 100 200
Feet


MAP DATE: February 2000

ATTACHMENT B

Zoning Review Memorandum

Dt: October 1, 2008

To: John Lojek, Commissioner of Inspectional Services

Fr: Eve Tapper, Chief Zoning Code Official
Candace Havens, Chief Planner 

Cc: Michael Kruse, Director, Department of Planning and Development
Michael Hughes, NSTAR Electric
Ouida Young, Associate City Solicitor

RE: Request to allow a grade change in excess of three (3) feet.

Applicant: NSTAR Electric, One NSTAR Way, Westwood, MA

Site: 48 Elliot Street	SBL: Section 510, Block 29, Lot 38
Zoning: MAN	Lot Area: 158,000 square feet
Current use: NSTAR Substation (STA-292)	Proposed use: NSTAR Substation with a retaining wall to support soil.

Background:

The subject property consists of a 158,000 square foot lot currently improved with an NSTAR Substation. The applicant is proposing to add a retaining wall in conjunction with other improvements to the site. Installation of the retaining wall requires a change in grade of more than three (3) feet. This change in grade requires approval of a special permit pursuant to §30-5(b)(4). The current application requests this Special Permit.

Administrative determinations:

1. The applicant is proposing to alter the grade in excess of three feet on portions of the lot in order to construct a retaining wall per Section 30-5(b)(4).
2. See "Zoning Relief Summary" below.

Zoning Relief Summary		
Ordinance		Action Required
	Site	
§30-5(b)(4)	Approval to alter existing contours by more than three feet as shown on plan.	SP per §30-24
§30-23	Site plan approval	X

Plans and materials reviewed:

- "Grading Plan, 292 Station Newton Highlands," dated 8/21/2008 and stamped and signed by Timothy P. Revellese, Registered Professional Engineer
- "Permanent Solider Pile Wall Plan and Elevation," dated 10/26/07 and stamped by Paul A. Deterling, Registered Professional Engineer
- "Permanent Solider Pile Wall Section. Lagging Detail Pile and Material Schedules," dated 10/26/07 and stamped by Paul A. Deterling, Registered Professional Engineer

**CITY OF NEWTON
ENGINEERING DIVISION**

MEMORANDUM

To: Alderman George Mansfield, Land Use Committee Chairman

From: John Daghljan, Associate City Engineer

Re: Special Permit – NStar Elliot Street Substation

Date: March 5, 2009

CC: Lou Taverna, PE City Engineer (via email)
Candice Havens, Chief Planner (via email)
Linda Finucane, Associate City Clerk (via email)
Alexandra Ananth, Sr. Planner (via email)

In reference to the above site, I have the following comments for a plan entitled:

*NStar Electric
Newton, MA
Prepared by: NStar Electric
Dated: May 24, 2006
Revised: Feb 2, 2009*

Drainage:

1. Due to the fact that no additional impervious area is proposed no on site drainage is required. The proposed retaining wall is constructed as containment wall for the new transformer. The crushed stone surface will allow the area to drain through the weep holes of the wall and dissipate on site, prior to the adjacent wetland.

Environmental:

1. As the total site disturbance is over an acre, a Phase II General Construction (NPDES) Permit will need to be filed with DEP & EPA. A Stormwater Pollution Prevention Plan (SWPPP) will need to be developed.
2. Siltation control shall be installed and maintained throughout the construction process, and removed only upon completion and stabilization of the disturbed areas.

General:

1. As of January 1, 2009, all trench excavation contractors shall comply with Massachusetts General Laws Chapter 82A, Trench Excavation Safety Requirements, to protect the general public from unauthorized access to unattended trenches. Trench Excavation Permit required. This applies to all trenches on public and private property. *This note shall be incorporated onto the plans*
2. All tree removal shall comply with the City's Tree Ordinance.
3. The applicant will have to apply for a Building Permit with the Department of Inspectional Service for the retaining wall.
4. Prior to Occupancy permit being issued, an As-Built Plan shall be submitted to the Engineering Division in both digital format and in hard copy. The plan should show all utilities and final grades, any easements and final grading.
5. If a Certificate of Occupancy is requested prior to all site work being completed, the applicant will be required to post a Certified Bank Check in the amount to cover the remaining work. The City Engineer shall determine the value of the uncompleted work.

Note: If the plans are updated it is the responsibility of the Applicant to provide all City Departments [Conservation Commission, ISD, and Engineering] involved in the permitting and approval process with complete and consistent plans.

If you have any questions or concerns please feel free to contact me @ 617-796-1023.